

TOWN OF HARRIETSTOWN, INC.

Zoning Board of Appeal

AGENDA FOR: August ²⁵ 2020

APPROVAL OF MINUTES:

PUBLIC HEARING & REGULAR MEETING

1. Application submitted by Daralyn Wenke for an area relief at 509 County Route 18 Lake Clear NY 12945 Designated in our Records by Tax Map # 44.-1-16.400.

OLD/NEW BUSINESS:

DATE OF NEXT REGULAR MEETING:

Town of Harrietstown Zoning Board Appeal
August 25, 2020
5:37pm

Zoning Board of Appeal

Board Members Present: Jim Tyler- Chairman
Joseph Spadaro
Allan Wright
Trevor Jackson- Recluse
Richard Retrosi

Staff Present: Code Enforcement Officer- Todd David
Recording Secretary- Sarah Hadynski

Public Present: Leigh Wenske- Representing Darralyn Wenske

Application submitted by Daralyn Wenke for a 15 Foot area relief at 509 County Route 18 Lake Clear NY 12945 Designated in our Records by Tax Map # 44.-1-16.400.

Jim Tyler "Continuation of a public hearing for the application that is submitted by Darralyn Wenske for a 15 ft relief for a garage in Lake Clear. We got a new information packet with new things in it." Jim Continued on introducing all the members. He explains that Trevor is going to recuse himself due to a conflict of interest. "My wife has done design work for her, not related to the garage but I don't want it to be a conflict of interest."

Jim Tyler "I just want another set of ears even if you can't vote. Continuing on we have Leigh here representing the project." He explains that Todd received an email just before the meeting. Jim reads the email that was sent from John Brockway but signed from John and Clarence Brockway Stating that John and his Brother Clarence have no issue with Darralyn's project to be built 5 feet from their property line. " Do we know the legality of this?"

Rick- "I have no problem with an email as long as it's from those people."

Jim was explaining that is what he meant "anyone could have written that."

Trevor "Right and it doesn't mean that they can't change their minds down the road."

Allan "And we don't know if John can actually speak from Clarence. Clarence hasn't submitted anything saying he is against the project."

Jim asks Todd if he has heard anything from them. Todd explains that he hasn't heard anything from them, but the certified letters did go out to them and that the Building and Zoning department did receive the signed Certified letter back from Clarence, so he was notified about this project. Jim thanks everyone for taking the time to go out there for this project. Jim asks Allan what his thoughts were when they went out together, while keeping social distance.

Allan "I'm conflicted on it, it's a nice garage and I can see why they want to place it where they do, but rules are rules but they are asking for variance so we will see how it goes."

Joe "I have a lot of questions on the whole thing." He explains that at some time when the house was built, they had to go to the building department to get a permit. That at that time if they knew that they were going to have a garage that they would have known where to place the main building."

Leigh "At the time there was no intentions to build a garage."

Joe "Okay there is a problem with water and electrical?"

Leigh "Grading. If we were to move the garage out of the specific location. The driveway comes down to the grade. We would have to bring in enormous amount of fill and then the garage would be sitting higher than the house."

Joe "Can the garage sit on the other side of the house?"

Leigh "No."

Joe "How about behind?"

Leigh "No Septic system is back there."

Joe "How about a 2-car garage?"

Leigh "They thought about a 2-car garage, but they have 3 cars and they would like them all inside."

Joe "Well there is things that I want in life but can't because there are certain rules to live by. Using a 2-car garage you can get it off the line and you wouldn't even need the variance from us. We have Zoning for a reason and from my understanding it is protect the value of everyone's property" He explains that when you build these things you have a plan where you are going to place these things.

Leigh explains that at the time his sister was with Joe Brockway, John and Clarence Brother so there was no objection to where the house would be placed at the time.

Joe "Somebody else buys that property 2 months from now and they look out and this thing is right against their property. There are other ways to do this. If you can't build a 3-car garage you build a 2-car garage, so you can't put all the cars into the garage. I just won't understand with all this property why the building was placed where it was."

Leigh explains that the lot was raised with fill. That when they bought the house in 2000 fill was brought in. "The majority of the property is all fill. My sister has tried other options such as attaching the house to the garage but once again that water comes down the driveway and will go into the garage. We played around with different plans but right now this is the best options."

Allan "The major problem is it's a 3-car garage where you only can fit 2."

Joe asked what if they put it on the other side of the house and Leigh explains that you would still be too close to the property line. Joe expresses that if the building was placed 90 degrees in the first place, they would have all the room to build what they wanted.

Leigh says that at the time they didn't have the money to build the garage he also explains that was the best place to put the house because of the fill "I can't predict the future that if I build a house that maybe someday I will want a garage, this is 25 years later that they want to do a garage." Leigh asks what the setback is and a response from Todd was 20ft "The only other thing we could do is move the garage further up the driveway and that would give you that 20-foot setback."

Joe "If you do that, we wouldn't have anything to say about it because you would just go to the building inspector and get a permit."

Leigh "We will have to see if that will be feasible to move the garage up the drive and make sure we were the 20 foot off. John and Clarences Property comes down and curves a little bit on an angle."

Joe "Oh it's not straight?"

Leigh "No its not straight at all."

Allan "The next option is to talk to the Brockway's to purchase part of the property."

Joe "So your encroaching on the right of way not necessarily the property, is that the idea?"

Leigh "Yeah we are staying away from the property. We just need the variance for the right of way to get closer to the property."

Rick "The last time we met on this it was a virtual meeting and we had Darralyn on the line and we had this situation and we suggested that she chat with her contractor about alternatives to the placement."

He asks Leigh if he is the contractor and Leigh response was that he would be running the heavy equipment. Howl at the Moon is contracting. He says that Jessica who is doing the designs was asked to do other alternatives such as attaching it to the house, moving it, turning the angles and explains that this was after the last ZBA meeting that they tried to "play" with the angles

Rick "Was there in consideration in to making it a 2-car garage, this is pretty big."

Leigh "She thought about the 2 cars, but she would prefer 3 cars because they have 3 cars. Out of weather and under cover. That's the whole purpose of requesting for a 3-car garage."

Rick "And our job is to discuss alternatives so the code could be met. I'm echoing these gentlemen. After being out there and seeing that there was a wooded piece in between the two properties, Looks good. Then I went back to the plan and thought why they don't just scale that down, there wouldn't need a 15-foot variance maybe 5-foot variance or something like that."

Trevor "The depth of the garage is 30 feet and the width is 36ft if they bring that down to 28 feet, they are still 5 feet away. So, the 3-car garage would work if the depth was less. The width has nothing to do with the setback it's the depth. So, if you did a 3-car garage at 24-foot depth you would be 11 feet of the line. Maybe you can bring it forward some or turn it some, so only one corner is close. I don't know what type of cars they have but typically a garage is 24 foot deep."

Leigh "They have two small SUV and a pickup truck."

Jim asks if they are going to vote on it tonight and Joe mentions that once the variance is denied that is up to the homeowner and the building inspector to decided what happens next. Jim also asks Todd if he has met with the designer at all Todd response was "I haven't met with the designer, but I have met with Darralyn a few times and helped give a few options, so we didn't have to go through this. If they come with a two-car garage that fits I approve it."

Leigh "Her thing is she just trying to settle this because winter is coming. Just like Trevor said if she comes back with something narrower that is only 11 feet would she have to have variance."

Trevor "She would because it is still under the 20 feet, but 15 foot and 5 foot is a big difference. So maybe the board would be more agreeable to that type of variance, I don't know."

Ricky "We asked at the last meeting for alternatives and essentially we have the same plans, maybe alternatives were discussed, and they were impossible."

Allan "I was thinking the same thing, and I know when we were out there, we discussed moving it or making it smaller."

Jim "So let's vote on this."

Leigh "So in other words she would have to re-apply again."

Rick "Unless the new plan doesn't require variance."

Todd "If the new plan met the 20-foot setback, we wouldn't have to go through this."

Allan "So we are voting tonight?"

Jim "I think we should, that would clarify everything."

Allan makes the motion

Rick seconds

Jim "So the vote on the application submitted for Darralyn Wenske for 15-foot relief at 509 county Route 18 Lake Clear. I would like to do a Roll Call Vote. All in favor of the applications."

Allan "No."

Joe "No."

Trevor is recused

Ricky "No."

Jim "And I'm voting No also."

Meeting Adjourned at 6:35pm